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REMARKS

In the Office Action of February 10, 2006, claims 4, 6-9, 12-15, and 22-27 are pending. Claims 4, 6, 12-14, and 27 are allowed. Claim 7 is herein canceled. Of the remaining claims 8-9, 15, and 22-26, claims 8-9 and 22-26 are independent claims and claim 15 is a dependent claim, which depends upon claim 12. Claims 9 and 22 are herein amended solely for clarification reasons and not for patentability reasons.

Objection to Drawings

The Office Action states that the drawings are objected to under 37 CFR 1.83(a). The Office Action states that the drawings do not show every feature of the invention specified in the claims. Specifically, the Office Action states that the tasks of storing a restraint power draw, storing deployment duration, deploying a fault time when it corresponds to a deployment time, indicating that a RCM has been on a vehicle that has been involved in a collision, and providing such indication until such time when the RCM is serviced or replaced need to be shown in a drawing. Although Applicants submit herewith an amended Figure 2, which explicitly recites and shows the stated tasks, Applicants submit that such showing is not needed. Applicants submit that although such tasks are recited in the claims, such tasks do not need to be shown in a Figure, as long as they are described in the specification in such a way as to enable one skilled in the art to understand, make, and use the invention.

37 CFR 1.83(a) states that the drawings in a nonprovisional application must show every feature of the invention specified in the claims. Applicants submit that this has not applied to limitations or tasks performed by a claimed device or to method steps. Applicants are aware that each device, component, or structure within a claimed system, apparatus, or module must be shown in a Figure of an application. However, Applicants are unaware of any provision that requires that each limitation that describes or recites the tasks performed by such items need to be shown in a Figure. To require such can unduly increase the size and length of a flow diagram and increase the difficulty for a reader in following

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and understanding the same. Besides such showing would not increase ones understanding in the subject matter being patented, since one can obtain the same level of understanding in simply reading the description provided for each relevant step in the specification.

The primary purpose of the "must show every feature" clause in 37 CFR 1.83(a) is to satisfy the requirement under 35 U.S.C. 113, which is that the Applicants shall furnish a drawing where necessary for the understanding of the subject matter to be patented and thus to satisfy the enablement requirement under 35 U.S.C. 112. Applicant submits that every device claimed namely, a memory, a comparator, an indicator, a controller, and a RCM are shown in Figure 1 of the original application and are described in detail in the specification. Also, the claimed tasks associated with these devices are at least partially shown and at least partially stated in the originally filed Figure 2 and explained in detail throughout the specification.

The task of "storing a restraint power draw" is described in the original specification, with respect to step 54 of Figure 2, and is performed by a controller, which is provided in Figure 1 and described throughout the present application. The task of "storing deployment duration" is described in the original specification, with respect to step 56 of Figure 2, is also performed by the controller, is explicitly shown in Figure 2 by step 56 in short form. With respect to the task of "deploying a fault time when it corresponds to a deployment time," Applicants assume the Examiner is referring to either the task of "indicating a fault time when it corresponds to a deployment time" or the task of "storing a fault time when it corresponds to a deployment time," since the task of "deploying a fault time when it corresponds to a deployment time" is noted recited in the claims. The task of "indicating a fault time when it corresponds to a deployment time" is described in the original specification, with respect to step 62, is performed by the controller, and is explicitly shown in Figure 2. The task of "storing a fault time when it corresponds to a deployment time" is implied and described with respect to steps 58-62 of Figure 2 and is performed by the

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controller. The tasks of "indicating that a RCM has been on a vehicle that has been involved in a collision" and "providing such indication until such time when the RCM is serviced or replaced" are described with respect to step 60 of Figure 2, are described in paragraphs [0030]-[0031] of the present application, and are performed by the controller.

Applicants submit that the amended Figure 2 is provided herewith solely to satisfy the Examiners request. The amendments to Figure 2 do not introduce new matter and are clearly and fully described in the specification of the original application, as stated above. In review of the present application one skilled in the art undoubtedly would understand the subject matter being patented, regardless of whether Figure 2 is amended. The subject matter being patented is described clearly and without use of ambiguous terms.

Rejection of Claims 15, 23, and 26 under 35 U.S.C. 112

Claims 15, 23, and 26 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement and because the best mode contemplated by the inventor has not been disclosed. The Office Action states that the claims recite an uneraseable, unresettable, and unoverwritable memory, that the Applicants remarks assert that general non-volatile memory is not sufficient, and that the specification does not provide what type of memory is sufficient. Applicants submit that one skilled in the art would know what types of memory are uneraseable, unresettable, and unoverwritable and that such types do not need to be explicitly stated in the specification. For example, programmable read only memory (PROM) is a type of memory that is uneraseable, unresettable, and unoverwritable. Applicants submit that one skilled in the art would be able to determine this without undue experimentation, see MPEP 2164.01. Of course, PROM is only one example, other suitable uneraseable, unresettable, and unoverwritable memories may be used.

Also, note that what is conventional or well known to one of ordinary skill in the art need not be disclosed in detail. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d at 1384, 231 USPQ at 94. If a skilled artisan would have

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understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met. See, e.g., *Vas-Cath*, 935 F.2d at 1563, 19 USPQ2d at 1116; *Martin v. Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972). Applicants note that uneraseable, unresettable, and unoverwritable memories were known, but the use thereof for storing information associated with a collision event was not known or suggested until the present invention. Thus, the specification does reasonably convey to one skilled in the art that the inventor, at the time of the filing of the application, had possession of the claimed invention, does disclose the best mode, and does, therefore, satisfy 35 U.S.C. 112.

In addition, Applicants note that the prior art has taught away from using such memory. For example, Muraoka (U.S. Pat. No. 6,175,794) and Byon (U.S. Pat. No. 5,847,472) both state that non-volatile EEPROM memory is preferred. Applicants have stated that a non-volatile memory is simply a memory that maintains or keeps its memory when power is removed. A non-volatile memory may be one time programmable or reprogrammable. Some examples of non-volatile memories are ROM, PROM, EPROM, EEPROM, Flash Memory, NVRAM, and NRAM. EEPROM is erasable memory. Of the stated memories only PROM is uneraseable, unresettable, and unoverwritable. None of the prior art references teach or suggest using a memory device that is uneraseable, unresettable, and unoverwritable. Thus, the 35 U.S.C. 112 rejections are overcome.

Rejection of claims 7-8, 23, and 26 under 35 U.S.C. 103(a)

Claims 7-8, 23, and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Muraoka in view of Turnbull et al. (U.S. Pub. No. 2002/0158805).

Applicants note that claim 7 is herein canceled.

Claim 8 recites the limitation of an indicator that permanently indicates that an RCM has been on a vehicle that has been involved in a collision.

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Similarly, claims 23 and 26 recite the limitations of continuously indicating a fault in response to the deployment event utilizing information from an uneraseable, unresettable, and unoverwritable memory, and indicating whether an RCM has been on a vehicle that has been involved in a collision, wherein the indication is uneraseable, unresettable, and unoverwritable. Applicants submit that neither Muraoka nor Turnbull alone or in combination teach or suggest the stated limitations. Muraoka discloses the use of EEPROM, as stated above as the preferred storage means for storing when an inflator has been operated. Turnbull discloses simply a memory that may be volatile or non-volatile. Applicants also note that the Office Action is also silent with regards to the references disclosing the stated limitations.

Referring to MPEP 2141.02, the prior art must be considered in its entirety, including disclosures that teach away from the claims. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Throughout Muraoka the ability to erase or reset memory and/or parameters is discussed and preferred. This is also true with the Byon and Okada (U.S. Pub. No. 2002/0091474 A1) references.

Also, referring to MPEP 2143.01, although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." See *In re Fritch*, 972 F. 2d at 1260 (Fed. Cir. 1992). Applicants submit that no suggestion or motivation exists within any of the references to use a memory that is uneraseable, unresettable, and unoverwritable. Thus, in view of Muraoka and Turnbull it would not have been obvious to utilize the memory device of claims 23 and 26.

Therefore, it is not inherent or obvious in view of Muraoka and Turnbull to use a memory that prevents the data from being erased, reset, and overwritten. As such, claims 23 and 26 are novel, nonobvious, and are in a condition for allowance at least with regards to the nonobvious limitation of a memory device that is uneraseable, unresettable, and unoverwritable.

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Referring to MPEP 706.02(j) and 2143, to establish a *prima facie* case of obviousness the prior art reference(s) must teach or suggest all the claim limitations, see *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Since, Muraoka and Turnbull alone or in combination do not teach or suggest each and every element recited in claims 8, 23, and 26, the *prima facie* case of obviousness has not been met, as required under 35 U.S.C. 103(a).

Rejection of claims 9 and 22 under 35 U.S.C. 103(a)

Claims 9 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Muraoka in view of Turnbull and further in view of Rosenblath (U.S. Pat. No. 5,850,085).

The Office Action states that Muraoka and Turnbull fail to disclose the limitation of storing the restraint power draw. Applicants agree. The Office Action relies on Rosenblath for such disclosure. Applicants submit that Rosenblath is nonanalogous art. Rosenblath is directed to a test fixture for the testing of an airbag. Rosenblath is not directed to a vehicle system for monitoring the performance of an air bag during a collision event.

Referring to MPEP 2141.01(a), while the Patent Office classification of references and cross-references in the official search notes are some evidence of "nonanalogy" or "analogy" respectively, the court has found "the similarities and differences in structure and function of the inventions to carry far greater weight." *In re Ellis*, 476 F.2d 1370, 1372, 177USPQ526, 527 (CCPA 1973). Applicants are unsure of the classification of the present invention, but note that Rosenblath is of a different U.S. classification than the other relied upon references. This suggests that Rosenblath may be of a different U.S. classification than the present invention and that an implication of nonanalogy exists solely for this reason.

Also, Applicants submit that the structure, function, purpose, and setup of the system of Rosenblath are clearly and substantially different than that of the present invention. Rosenblath discloses an air bag testing fixture for testing and evaluating an air bag for potential use within a vehicle. This is unlike the

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claimed invention, which is used to store information related to a restraint before, during, and after a collision event. The collision event refers to a collision experienced by a vehicle upon which the restraint is mounted. Also, there is no suggestion anywhere in Rosenblath for the performing of measurements onboard a vehicle or during a collision event of a vehicle. Rosenblath would not have logically commended itself to the inventors' attention in considering the problems solved by the module and method claimed. In developing a module and method of monitoring and recording information associated with a restraint on a vehicle, one would clearly not look to a test fixture for evaluating the performance of an air bag prior to installation on a vehicle. Although Rosenblath discloses measuring voltage and current with respect to the deployment of an airbag, this is not the same as the measuring of a restraint power draw during a collision event. The information collected and stored in a testing environment may be considerably different than that gathered during a collision event, due to various additional factors that come into play. Moreover, in a testing environment one is using a data acquisition system that is not setup, configured, or designed for in-vehicle use. Thus, the Applicants submit that Rosenblath is nonanalogous art and to use such reference is far reaching at best.

Regardless of whether Rosenblath is analogous art, Rosenblath fails to disclose a vehicle controller as claimed or a process that is performed by a vehicle controller. As a result, there is no suggestion or motivation provided in any of the references for the combination and modification necessary to arrive at the claimed invention. Referring to MPEP 706.02(j) and 2143, to establish a *prima facie* case of obviousness the prior art reference(s) must teach or suggest all the claim limitations, see *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Thus, since Muraoka, Turnbull, and Rosenblath fail to teach or suggest alone or in combination each and every element of claims 9 and 22, they are also novel, nonobvious, and are in a condition for allowance.

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Rejection of claims 24 and 25 under 35 U.S.C. 103(a)

Claims 24 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull in view of Byon.

The Office Action states that Turnbull does not disclose storing the operating time of a restraint. Applicants agree. However, the Office Action states that Byon discloses storing operating time in lines 8-12, col. 3. Applicants traverse. In lines 8-12, Byon states that a second system error is recorded when an air bag has not normally expanded and that an expanded time is recorded when the air bag has normally expanded. The expanded time does not refer to the duration of the air bag deployment. In Byon it is stated that the expanded time refers to the clock signal when the air bag expansion occurred, or in other words, the deployment start time. See the abstract, col. 4, lines 23-26, and elsewhere in Byon.

Also, note that the storing of the deployment duration time of a restraint is not the same as the storing of the operating time of a RCM, as recited in claim 25. This feature is not taught or suggested by either reference. Furthermore, note that neither reference teach or suggest the storing of a deployment end time. Turnbull, in paragraph 119, explicitly states that recording is stopped upon airbag deployment or impact. Likewise, there is no mention in Byon of storing deployment duration or end time.

Thus, neither Turnbull nor Byon teach or suggest each and every element of claims 24 and 25. Claim 24 and 25 are therefore also novel, nonobvious, and are in a condition for allowance.

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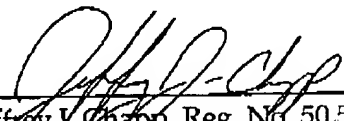
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In light of the amendments and remarks, Applicants submit that all objections and rejections are overcome. The Applicants have added no new matter to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, he is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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